

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Appln. No. 10/725,348
Attorney Docket No.: Q78682

REMARKS

Claims 1-20 are all the claims pending in the application. By this Amendment, Applicant amends claims 1 and 13-18 to further clarify the invention, and adds claims 19 and 20. Claims 19 and 20 are clearly supported throughout the specification.

Preliminary Matters

The Examiner has accepted the drawings filed on December 2, 2003.

The Examiner has acknowledged Applicant's claim to foreign priority. However, the Examiner has not indicated receipt of the certified copy of the priority documents filed on December 2, 2003 and April 28, 2004. Applicant respectfully requests the Examiner to acknowledge foreign priority and indicate receipt of the certified copy of the priority documents.

The Examiner has returned the initialed form PTO/SB/08 submitted with the Information Disclosure Statement filed on December 2, 2003.

Claim Rejections

Claims 1-18 stand rejected. Applicant respectfully traverses these rejections in view of the following comments.

Claim Rejections under 35 U.S.C. § 102

With regard to prior art rejections, claims 1-6, 11, 12 and 16-18 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Publication No. 2002/0060706 to Sawano (hereinafter "Sawano").

Specifically, the Examiner contends that Sawano discloses each feature of independent claims 1 and 16-18. This rejection is not supportable for at least the following reasons. Claims 1

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and 16-18 are the only independent claims. These independent claims 1 and 16-18 recite, in some variation among a number of unique features, that the first ink ejecting section and the second ink ejecting section are provided at different positions in a direction in which the medium to be printed is carried.

Sawano discloses using the light ink from the recording head 10' for the highlight regions and using both heads 10 and 10' for the shadow gradation regions (¶ 67). In Sawano, however, all of the ejecting sections are provided at the same positions in a direction in which the medium to be printed is carried (e.g., Fig. 2). That is, Sawano does not disclose or suggest various ink ejecting sections being positioned at different locations with respect to the medium.

In summary, the deficiencies of the Sawano reference fall to the Examiner's burden to show inherent inclusion of the claim elements. Therefore, for all the above reasons, independent claims 1 and 16-18 patentably distinguish from Sawano. Claims 2-6, 11, and 12 are patentable at least by virtue of their dependency on claim 1.

Claim Rejections under 35 U.S.C. § 103(a)

Claim 7 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Sawano in view of U.S. Patent No. 6,460,963 to Endo¹ (hereinafter "Endo"), claims 8, 9, and 10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Sawano in view of U.S. Patent No. 6,764,158 to Arquilevich et al. (hereinafter "Arquilevich"), claim 13 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Sawano in view of Arquilevich and Endo, and claims

¹ Not listed on Examiner's PTO-892. Applicant respectfully requests the Examiner to list this reference on form PTO-892 and provide a copy to the Applicant with the next Office Communication.

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14 and 15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Sawano in view of U.S. Patent No. 6,439,683 to Matsumoto et al. (hereinafter “Matsumoto”).

Claims 7-10 depend on claim 1. It was already demonstrated that Sawano does not disclose or suggest the unique features of claim 1. Endo is being cited only for its disclosure of the darkest region being 100% (*see* page 5 of the Office Action) and as such does not cure the deficient teachings of Sawano. Similarly, Arquilevich does not cure the deficiencies of Sawano. Arquilevich discloses having the ink ejection sections being positioned on a guide rod (*see* page 6 of the Office Action and Fig. 1 of Arquilevich). Arquilevich, however, does not disclose or suggest using the sections being at different positions in a direction in which the medium to be printed is carried.

Accordingly, claim 1 is patentable over the combined teachings of Sawano, Endo, and Arquilevich, taken alone or in any conceivable combinations. Since claims 7-10 depend on claim 1, they are patentable at least by virtue of their dependency.

Next, the Examiner contends that independent claim 13 is obvious over Sawano in view of Arquilevich and Endo. Independent claim 13 recites features similar to, although not necessarily coextensive with, the features argued above with respect to claim 1. Therefore, arguments presented with respect to claim 1 are respectfully submitted to apply with equal force here. Accordingly, for at least analogous reasons, claim 13 is patentable over the combined teachings of Sawano, Arquilevich, and Endo. It is appropriate and necessary for the Examiner to withdraw this rejection of claim 13.

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Claims 14 and 15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Sawano in view of U.S. Patent No. 6,439,683 to Matsumoto et al. (hereinafter “Matsumoto”). Independent claims 14 and 15 recite features similar to, although not necessarily coextensive with, the features argued above with respect to claim 1. Therefore, arguments presented with respect to claim 1 are respectfully submitted to apply with equal force here. Accordingly, Sawano does not disclose or suggest the unique features of claims 14 and 15. Matsumoto is cited only for its disclosure of computer-readable medium and as such clearly fails to cure the deficient teachings of Sawano. For at least these exemplary reasons, therefore, independent claims 14 and 15 are patentable over Sawano and Matsumoto.

New Claims

In order to provide more varied protection, Applicant adds claims 19 and 20. Claims 19 and 20 recite features similar to, although not necessarily coextensive with, the features argued above with respect to claim 1. Therefore, arguments presented with respect to claim 1 are respectfully submitted to apply with equal force here. Accordingly, for at least analogous reasons, claims 19 and 20 are patentable over the prior art of record.

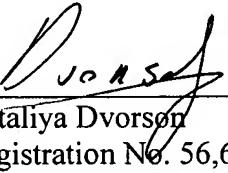
Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly invited to contact the undersigned attorney at the telephone number listed below.

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Respectfully submitted,



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